

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Andreas BLECKMANN

Confirmation No. 6227

Appln. No. : 09/436,171

Group Art Unit: 1617

Filed : November 9, 1999

Examiner: YU, GINA C

For : PREPARATIONS OF THE W/O EMULSION TYPE WITH AN
INCREASED WATER CONTENT, AND COMPRISING CATIONIC
POLYMERS

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. § 1.705 (b)**

Office of Patent Legal Administration
Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop IF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Further to the Determination of Patent Term Adjustment mailed by the U.S. Patent and Trademark Office on July 26, 2006, which incorrectly indicates a Patent Term Adjustment (PTA) of 610 days, and to the information from the U.S. Patent and Trademark Office Patent Application Information Retrieval (PAIR) system (a copy of the screen shot from the PAIR system being enclosed herewith), Applicant respectfully submits that the Patent Term Adjustment of 610 days as set forth in the PAIR system is incorrect and requests that the Patent Term Adjustment be corrected to indicate the PTA of 644 days for the reasons which follow.

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Statement of Facts

In accordance with the instructions from the U.S. Patent and Trademark Office, Applicant has checked the PAIR site, which indicates the PTA to be 610 days (based on 732 days of PTO delay, less 122 days of Applicant's delay) as noted on the enclosed copy of the screen shot from the PAIR site. However, the maximum number of days attributable to Applicants should be **88, not 122, days**.

A non-final office action was mailed on June 7, 2002. A Response, together with a Request for Extension of Time for Three Months was submitted on December 6, 2002, resulting in a "delay" attributable to Applicants ("Applicant delay") of **88 days**. A "courtesy copy" of the Response was faxed to the Examiner on January 7, 2003.

Applicant notes that the data in the PTA History has been reviewed and compared with the data in the records of the undersigned. In this regard, Applicants note that the amount of Applicant delay stated in the PAIR site appears to be incorrectly based on the facsimile date (January 7, 2003) of the courtesy copy of the Response to the Office Action of June 7, 2002. This is 122 days from the initial due date of September 9, 2002 (September 7, 2002 falling on a Saturday), the expiration of the shortened statutory period. However, the amount of days of Applicant delay should have been calculated based on the actual filing date of the Response and Extension of Time, *i.e.*, December 6, 2002. Further, Applicant notes that the PTO delay is correctly listed as 732 days, based on the period from filing of the Notice of Appeal (April 27, 2004) to the mailing date of the decision of the Board of Patent Appeals and Interferences reversing the Examiner. Accordingly, the actual PTA should be 732 days

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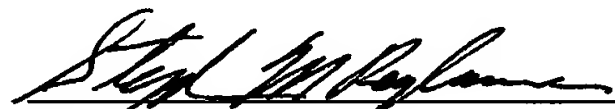
of delay by the Patent and Trademark Office, less 88 days of delay by Applicant, which results in 644 days of PTA.

Accordingly, Applicant respectfully requests that the PTA term be corrected to 644 days as opposed to the 610 days currently designated in the PAIR system.

Applicant notes that the above identified application is not subject to any terminal disclaimer.

A check including the amount of \$200.00 to cover the fee set forth in 37 C.F.R. 1.18 (e) for filing an application for patent term adjustment is enclosed herewith. The U.S. Patent and Trademark Office is hereby authorized to credit any overpayment or charge any additional fee to Deposit Account No. 19-0089.

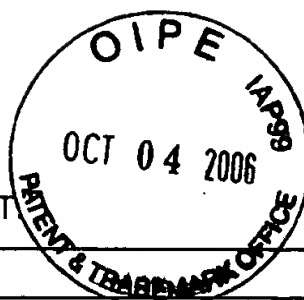
Respectfully submitted,
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October 4, 2006
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Search results as of: 08-23-2006::16:16:39 E.T.

Patent Term Adjustment

Filing or 371(c) Date:	11-09-1999	USPTO Delay (PTO) Delay (days):	732
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	122
Post-Issue Petitions (days):	+0	Total Patent Term Adjustment (days):	610
USPTO Adjustment(days):	+0	Explanation Of Calculations	

Patent Term Adjustment History

Date	Contents Description	PTO(Days)	APPL(Days)
07-26-2006	Mail Notice of Allowance		
07-26-2006	Mail Examiner's Amendment		
07-24-2006	Examiner's Amendment Communication		
07-24-2006	Notice of Allowance Data Verification Completed		
04-28-2006	Mail BPAI Decision on Appeal - Reversed	732	
04-28-2006	BPAI Decision - Examiner Reversed	↑	
06-27-2005	Docketing Notice Mailed to Appellant	↑	
06-27-2005	Assignment of Appeal Number	↑	
06-22-2005	Appeal Awaiting BPAI Docketing	↑	
01-27-2005	Mail Examiner's Answer	↑	
01-24-2005	Examiner's Answer to Appeal Brief	↑	
11-12-2004	Correspondence Address Change	↑	
08-06-2004	IFW TSS Processing by Tech Center Complete	↑	
08-06-2004	Date Forwarded to Examiner	↑	
07-27-2004	Appeal Brief Filed	↑	
07-27-2004	Request for Extension of Time - Granted	↑	
06-16-2004	Mail Advisory Action (PTOL - 303)	↑	
06-14-2004	Advisory Action (PTOL-303)	↑	
05-28-2004	Date Forwarded to Examiner	↑	
04-27-2004	Amendment/Argument after Notice of Appeal	↑	
04-27-2004	Notice of Appeal Filed	↑	
04-27-2004	Workflow incoming amendment IFW		
01-27-2004	Mail Final Rejection (PTOL - 326)		
01-26-2004	Final Rejection		
01-26-2004	Case Docketed to Examiner in GAU		
01-26-2004	Case Docketed to Examiner in GAU		
11-26-2003	Case Docketed to Examiner in GAU		
11-23-2003	Date Forwarded to Examiner		
10-10-2003	Response after Non-Final Action		
07-10-2003	Mail Non-Final Rejection		
07-10-2003	Non-Final Rejection		
05-01-2003	Date Forwarded to Examiner		
04-25-2003	Request for Continued Examination (RCE)		

05-01-2003	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
04-25-2003	Workflow - Request for RCE - Begin	
03-26-2003	Mail Advisory Action (PTOL - 303)	
03-24-2003	Advisory Action (PTOL-303)	
03-19-2003	Date Forwarded to Examiner	
03-14-2003	Amendment after Final Rejection	
01-29-2003	Mail Final Rejection (PTOL - 326)	
01-27-2003	Final Rejection	
01-14-2003	Date Forwarded to Examiner	
01-07-2003	Response after Non-Final Action	122
01-07-2003	Request for Extension of Time - Granted	↑
04-12-2002	Request for Extension of Time - Granted	↑
06-07-2002	Mail Non-Final Rejection	↑
06-05-2002	Non-Final Rejection	
04-25-2002	Date Forwarded to Examiner	
04-12-2002	Continuing Prosecution Application - Continuation (ACPA)	
04-25-2002	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)	
04-12-2002	Request for Extension of Time - Granted	
04-12-2002	Workflow - Request for CPA - Begin	

Close Window